

REMARKS**STATUS OF THE CLAIMS**

Following entry of this Amendment, claims 21, 23, and 25-27 will be pending. Please cancel claims 22 and 24. Claims 21, 23, and 25-27 have been amended. Applicants reserve their right to later pursue the subject matter of the cancelled claims in subsequent continuing applications.

I. OBJECTION TO CLAIMS UNDER 37 CFR § 1.75(c)

The Examiner has objected to claims 22 and 24 under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants have canceled claims 22 and 24. Applicants request that this objection be withdrawn.

**II. REJECTION UNDER FIRST PARAGRAPH OF 35 U.S.C. §112 -
ENABLEMENT**

The Examiner has rejected claims 22 and 24 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled.

Applicants, without admitting the validity of the Examiner's assertions, and in order to facilitate allowance of the claims, have canceled claims 22 and 24. Accordingly Applicants respectfully request that the enablement rejection under 35 U.S.C. § 112 be withdrawn.

**III. REJECTION UNDER FIRST PARAGRAPH OF 35 U.S.C. §112 –
WRITTEN DESCRIPTION**

The Examiner has rejected claims 22 and 24 under 35 U.S.C. § 112, first paragraph, for allegedly lacking an adequate written description of the genus of claimed polypeptides. The Examiner stated that this is a new matter rejection.

Applicants respectfully maintain that the claimed subject matter of claims 22 and 24 is sufficiently described under 35 USC § 112, first paragraph. Nevertheless,

Applicants have canceled claims 22 and 24, in order to facilitate allowance of the claims. Accordingly Applicants respectfully request that the written description rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

IV. REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 21-27 under 35 U.S.C. § 102(b) as allegedly being anticipated by SEQ ID NO: 25, and the general disclosure of TrpE fusion protein fragments in Harpold et al. (US 5,429,921).

Applicants respectfully maintain that claims 21, 23, and 25-27, as amended, are not anticipated by Harpold et al. Claims 21, 23, and 25-27 recite the closed claim term “consists” in relation to the amino acid sequence of the polypeptide that is alone (claims 23, and 25-27) or fused to a tag (claim 21). SEQ ID NO:25 of Harpold et al. is an amino acid sequence of 1091 amino acids (see col. 141- middle of cols. 147-148). The amino acid sequences of SEQ ID NOS: 15, 16, and 17, however, are each shorter than 1091 amino acids; SEQ ID NOS: 15, 16, and 17 are 1018, 1036, and 1063 amino acids long, respectively. As the 1091 amino acid sequence of SEQ ID NO: 25 of Harpold et al. is longer than SEQ ID NO: 15, 16, or 17, Harpold et al. fail to disclose all of the limitations of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

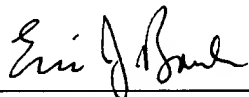
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2095.

Respectfully submitted,

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Eric J. Baude
Registration No. 47,413
Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor, MI 48105
Telephone: (734) 622-2095
Facsimile: (734) 622-1553